

their naturally occurring water-soluble conjugated form expressed as sodium estrone sulfate" was false and misleading as applied to an article which contained less than the stated amount of estrogens.

DISPOSITION: July 11, 1951. Default decree of condemnation and destruction.

3531. Adulteration and misbranding of conjugated estrogens. U. S. v. 1 Bottle, etc. (and 1 other seizure action). (F. D. C. Nos. 30926, 30927. Sample Nos. 24518-L, 24519-L.)

LIBEL FILED: April 17 and 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 5 and March 5, 1951, by Steroid Laboratories, Ltd., from Montreal, Canada, to Brooklyn, N. Y. A portion of the product had been relabeled by the Brooklyn consignee and had been shipped from Brooklyn, N. Y., to New York, N. Y.

PRODUCT: *Conjugated estrogens.* 2 tins, each containing 2 kilograms, at Brooklyn, N. Y.; and 1 tin containing 2 kilograms and 1 bottle containing 1,150 grams at New York, N. Y. Examination showed that the article contained not more than 20 milligrams of total estrogens per gram.

LABEL, IN PART: (Tin, when shipped from Canada) "Conjugated Estrogens (Equine) Powder. Each gram contains 27.8 mg. estrogens"; (tin and bottle, relabeled portion) "Conjugated Water Soluble Estrogens. Each gram contains 27.8 mg. estrogens."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 27.8 mg. estrogens per gram.

Misbranding, Section 502 (a), the label statement "Each gram contains 27.8 mg. estrogens as determined by Squibb modification of Kober Test" was misleading as applied to an article which contained not more than 20 mg. of total estrogens per gram.

The portion of the product at New York, N. Y., was adulterated and misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: July 31, 1951. The libel proceedings in the New York case having been removed to the Eastern District of New York and consolidated with the Brooklyn case and another case involving another lot of the same product, and International Hormones, Inc., Brooklyn, N. Y., having consented to the entry of a consolidated decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling of the containers, crushing of the tablets, and extraction of the hormones, with subsequent relabeling to insure compliance with the law.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE *

3532. Misbranding of Alcorine No. 28, Barrab No. 26, and Regene No. 29. U. S. v. Jerome Barnes (Barnes Co.). Plea of guilty. Fine of \$150 and probation for 1 year. (F. D. C. No. 30565. Sample Nos. 60495-K, 75607-K, 77320-K.)

INFORMATION FILED: June 11, 1951, Eastern District of Virginia, against Jerome Barnes, trading as the Barnes Co., Portsmouth, Va.

*See also Nos. 3521, 3524, 3526-3531.

ALLEGED SHIPMENT: On or about January 28, February 20, and April 29, 1950, from the State of Virginia, into the States of Indiana, Illinois, and Wisconsin.

PRODUCT: Examination disclosed that the *Alcorine No. 28* was essentially an acidulated dilute solution of a sugar; that the *Barrab No. 26* consisted of gelatin capsules containing wheat germ oil; and that the *Regene No. 29* was essentially perfumed petrolatum.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles, which included certain accompanying circulars, were false and misleading. The statements represented and suggested that the *Alcorine No. 28* would be efficacious in the treatment of drunkenness and that it would be efficacious to tone up the nervous and digestive systems; that the *Barrab No. 26* would be efficacious to increase personal energy, to develop power, to give a firmer, fuller, more youthful grip on life, to relieve that helpless incapable feeling, and to give a stronger, more vigorous nature, and that it would be efficacious to increase stamina and energy and to enable a person to make the most of his or her sexual powers; and that the *Regene No. 29* would be efficacious as a treatment for baldness and other scalp disorders, and that it would be efficacious to revitalize the scalp, correct local disorders, purge out infectious germs, penetrate the tissues and kill hair-destroying germs, overcome complex dandruff, and normalize excess dryness or oiliness. The articles would not be efficacious for the purposes represented.

Further misbranding, Section 502 (b) (2), the labels of the articles failed to bear statements of the quantity of the contents; and, Section 502 (e) (1), the *Barrab No. 26* failed to bear a label containing the common or usual name of the drug, namely, wheat germ oil.

DISPOSITION: July 18, 1951. A plea of guilty having been entered, the court imposed a fine of \$150 and placed the defendant on probation for 1 year.

3533. Misbranding of Champion Compound. U. S. v. 360 Bottles, etc. (F. D. C. No. 31624. Sample No. 31116-L.)

LIBEL FILED: August 16, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 19, 1951, by the Cel-Ton-Sa Medicine Co., from Cincinnati, Ohio.

PRODUCT: 360 16-ounce bottles of *Champion Compound* at Memphis, Tenn., together with a number of accompanying circulars entitled "Leading The Way To Improved Internal Hygiene."

Analysis showed that the product was an aqueous liquid containing extracts of plant drugs, including laxative drugs, an iron compound, and aromatics.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying circulars were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for general digestive disorders, minor stomach disorders, rheumatism, dropsical [*sic*], kidney and bladder ailments of a minor nature, incipient catarrh of the bladder, and gravel; that the article was a blood conditioner; that it contained therapeutically significant amounts of vitamins and minerals; and that it was effective in maintaining or restoring the health of the user. The article would not be effective for such purposes.

DISPOSITION: October 2, 1951. Default decree of condemnation and destruction.